

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2010 AUG 17 PM 2:20

CLERK

SO. DIST. OF GA.

[Enter the full name of the plaintiff in this section]

Rose Strodder Ferdinand

Civil Action No. **C V 4 1 0 - 1 9 0**

[to be assigned by Clerk]

v.

[Enter the full name of each defendant in this action.
If possible, please list only one defendant per line.]

City of Midway, ETAL

Midway City Council

Liberty County, ETAL

Liberty Consolidated Planning Commission

If allowed by statute, do you wish to have a trial by jury? Yes C No _____

If any answer requires additional space, please use additional paper and attach hereto]

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same Facts involved in this action?

Yes _____ No C

B. If your answer to A is Yes, describe the lawsuit in the space below. [If more than one lawsuit, describe on another sheet using the same outline.]

1. Parties to this lawsuit:

Plaintiff: _____

Defendant: _____

2. Court: _____

(If federal court, name the district; if state court, name the county)

3. Docket Number: _____

4. Name(s) of Judge(s) to whom case was assigned: _____

5. Status of Case: _____

(For example, was the case Dismissed? Settled?Appealed? Still Pending?)

6. Date lawsuit was filed: _____

7. Date of disposition (if concluded): _____

C. Do you have any other lawsuit(s) pending in the federal court?

Yes _____ No C

II. PARTIES

In Item A below, place your name and address in the space provided. [If additional plaintiffs, do the same on another sheet of paper.]

A. Name of Plaintiff: Rose Strucker Ferdinand

Address: P. O. Box 233 Midway, GA 31320 ^{897 South Central Hwy}
^(mailing address) ^{Midway, GA 31320} ^(Physical address)

In Item B below, place the full name of the defendant, and his/her/its address, in the space provided.
Use Item C for additional defendants, if any.

B. Name of Defendant: City of Midway, ETAL. (Midway City Council)

Address: P. O. Box 125 Midway, GA 31320

C. Additional Defendants (provide the same information for each defendant as listed in Item B above):

Liberty County, ETAL (Liberty Consolidated Planning Commission
205 East Court Street

Hinesville, GA 31313

III. STATEMENT OF CLAIM

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the name(s) of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets of paper if necessary.

Plaintiff submitted the required documents and application forms to City of Midway Clerk on June 7, 2010, for a business license. The proposed application forms for an academic learning center (ages 3 months to 6 years of age). A center to provide tutorial service for elementary students, advocate service, evening care for working adults, and enrichment programs on Saturdays.

III. STATEMENT OF CLAIM - *continued.*

Mrs. Osborne (city administrative clerk) faxed forms to Liberty Consolidate Planning Commission (LCP), Debra Attical, Zoning Administrator for processing. Shortly, thereafter Mrs. Osborne called Plaintiff and stated "Mrs. Attical needed to speak with me." Plaintiff called Mrs. Attical and was told the following:

- Plaintiff would violate state liquor law 3-3-21
- Bright Start (Georgia state agency which license child care facility) would not allow (me) ^{plaintiff} to operate next to a grocery store (IGA).
- Mr. Jim Woods, part owner of IGA was in the process to secure building permits to expand IGA (grocery store) approximately 92' from proposed location of Plaintiff's academic learning center.

Plaintiff informed defendant Attical (she) had just previously completed training with Bright Start in Atlanta and the above issues were never cited as a problem or violation. Plaintiff called State Attorney General Office to verify defendant Attical claims and was referred to Mr. Ron Huckleby, Savannah Internal Revenue

(see back)→

Fire Arms, Alcohol and Tobacco. Mr. Huckleby stated he statute has misinterpreted the law. Mr. Huckleby stated the statute did not apply to Plaintiff opening an academic learning center.

On or about July 19, 2010, Midway City Council (defendant) had a council meeting with Plaintiff on Agenda but did not notify plaintiff to attend. A ruling was made to deny my application. Upon learning of ruling, plaintiff contacted Liberty County Planning Commission, Mr. Sunny Zimmerman Director. In conference with Mr. Zimmerman he would not give plaintiff a definitive reason for denying plaintiff's application. Defendant

Zimmerman concluded with, Plaintiff's proposed business may jeopardize future businesses interest in locating in that section of Midway. Defendant Zimmerman attempted to persuade Plaintiff she (plaintiff) would be in violation of City Ordinance (B-2 zoning).

Plaintiff had requested a copy of City of Midway Ordinance prior to meeting with defendant Zimmerman. He learned Midway B-2 ordinance did not exclude plaintiff from setting up an early learning center with various supportive services.

Defendant Zimmerman stated he would have me (plaintiff) appear at next meeting. Plaintiff also requested to appear in writing.

Prior to City of Midway Aug 9, 2010 council meeting, Plaintiff obtained Attorney George Winters reviewed

IV. RELIEF.

State briefly and exactly what you want this court to do for you.

documents and concerned Plaintiff is not in violation of City of Midway's Ordinance (B-1 or B-2).

At the Midway August 9, 2010 Council meeting plaintiff and plaintiff's attorney learned Plaintiff's application was denied because LCPC and Midway City Council could not guarantee children safety at proposed site. Based on the training plaintiff completed in Atlanta with Bright Start (state of GA agency which license child care facility), Bright Start and owner of business are responsibility for safety of children enrolled at center based on state regulations.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 17th day of August, 2010.

Rose Stoddard Jenkins
Signature of Plaintiff

P.O. Box 233

Address

Midway, GA 31320

897 South Coastal Hwy
Midway, GA 31320

857-233-8017

Phone Number

UNITED STATES DISTRICT COURT

For the

Rose S. Ferdinand

Plaintiff

Civil Action No. _____

v

Liberty County (Liberty County Joint Planning Commission), ETAL

And

City of Midway (Midway City Council), ETAL

Defendants

Plaintiff's Succint Factual Narrative:

Plaintiff, Rose S. Ferdinand validates according to the United States Constitution, plaintiff's 1st and 14th Amendment Rights have been violated by both defendants; Liberty County (Liberty County Joint Planning Commission), ETAL and City of Midway (Midway City Council), ETAL.

The Plaintiff's nature of suit aligns with:

630 LIQUOR LAWS

660 OCCUPATIONAL SAFETY/HEALTH

470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

950 CONSTITUTIONALITY OF STATE STATUTES

445 AMER W/DISABILITIES-OTHER

440 OTHER CIVIL RIGHTS

190 OTHER CONTRACT

U. S. CONSTITUTION 1ST AMENDMENT RIGHT: The right to petition the government for a redress of grievances guarantees people the right to ask the government to provide relief for a wrong through the courts (litigation) or other governmental action. It works with the right of assembly allowing people to join together and seek change from government.

U. S. CONSTITUTION 14TH AMENDMENT: The Supreme Court held that the Due Process Clause of the Fourteenth Amendment applies the First Amendment to each state, including any local government.

Cited Case: *Gitlow v. New York*, 268 U. S. 652

<http://supreme.justia.com/us/268/652/case.html> (1925)

(See Attached)

UNITED STATES DISTRICT COURT

For the

Rose S. Ferdinand, Plaintiff

Civil Action No. _____

v.

City of Midway, ETAL

And

Liberty County ETAL, (Liberty Consolidated Planning Commission)

Defendants

VII. Relief Requested in Complaint:

1. Compensatory damages in the amount of \$3 million dollars from each defendants.
2. Punitive damages in the amount of \$ 3million dollars from each defendants.
3. Trial by jury on all issues triable by jury.
4. Plaintiff's cost of such action.
5. Such other relief as this court deems just proper and equitable.

This 17th Day of August, 2010

Respectfully, Rose S. Ferdinand, Plaintiff

Rose. S. Ferdinand, plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the Respondent(s) with a copy of the foregoing, by placing the same in the United States mail in a proper enveloped with adequate postage attached, properly addressed to:

United States District Court
Office of the Clerks,
P. O. Box 8286
Savannah, Georgia 31412

This 17th of August 2010

Rose S. Ferdinand

Petitioner, Pro se Rose S. Ferdinand

Petitioner's Address

Rose S. Ferdinand
P. O. Box 233
Midway, GA 31320

NOTARY _____ DATE _____

NOTARY SEAL: